

imposed by sec. 90 of the Act, 1888, as amended by the Act of 1899, and by sec. 247 of the Act of 1906, were not inconsistent with the provisions of secs. 12 and 13 of the Act of Incorporation. For those reasons their Lordships could not agree with that opinion. They would, therefore, humbly advise His Majesty that the appeal should be allowed, and that it should be declared that the appellants were entitled to a declaration that they were at liberty to erect poles for the purpose of stringing transmission or power wires along Eglinton avenue, without the consent of the respondents, and to have the latter restrained from interfering with them in doing so. The respondents must pay the costs of this appeal and in the Courts below.

Charles Russell and Co.; Blake and Redden, solicitors.

PRIVY COUNCIL.

JULY, 31ST, 1912.

THE BARNARD-ARGUE-ROTH STEARNS OIL AND
GAS COMPANY (LIMITED), THE ALEXANDRA
OIL AND DEVELOPMENT COMPANY (LIMITED),
AND THE CANADA COMPANY v. FARQUHAR-
SON.

28 T. L. R. 590; 32 C. L. T. 843.

*Canada — Ontario — Deed — Conveyance of Land in Fee — Ex-
ception of Reservation — Mines and Minerals — Springs of Oil
— Natural Gas.*

A reservation or exception in a conveyance of land to the respondent in 1867, of "all mines and quarries of metals and minerals, and all springs of oil in or under the said land, whether already discovered or not."

Held, not to include natural gas.

Decision of Court of Appeal of Ontario, 25 O. L. R. 93, affirmed.

An appeal from a judgment of the Court of Appeal for Ontario (HON. MR. JUSTICE MEREDITH, dissenting), of November 20th, 1911, 25 O. L. R. 93; 20 O. W. R. 351; 3 O. W. N. 239, affirming a decision of Chancellor Boyd, 22 O. L. R. 319; 17 O. W. R. 523; 2 O. W. N. 276.

The appeal to the Judicial Committee of the Privy Council was heard by VISCOUNT HALDANE, L.C., LORD MACNAGHTEN, LORD ATKINSON, and SIR CHARLES FITZPATRICK.